



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1995

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR95-1261

Dear Ms. Nguyen:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30285.

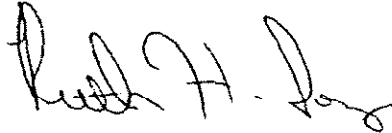
The City of Houston (the "city") sold at auction city property located at 5015 Gren. The city received a request for (1) the purchaser's name, (2) the purchase price, (3) the date of purchase, and (4) any known relationship between the purchaser and city employees, elected officials, or their family members. You contend that the requested information is excepted from disclosure under section 552.103(a).

You have submitted for review to this office the records you claim are responsive, including a deed record filed with the county. *See* Local Gov't Code § 192.001 (clerk's duty to file records). Section 13.002 of the Property Code provides that properly recorded instruments are "notice to all persons of the existence of the instrument." The filed deed with attachments is a public document. *See* Open Records Decision No. 551 (1990) (where compelling public policy based on law outside the Open Records Act or constitutional considerations provides for public access, litigation exception is not applicable). Since it appears that all of the responsive documents at issue have been publicly recorded, section 552.103(a) is inapplicable and these documents must be released.¹

¹We note that none of the documents submitted to this office appear to be responsive to the request for "any known relationship between the purchaser and any employee or elected official or any of their family members," nor does the city address this request in its brief. We assume, therefore, that no such documents exist. The Open Records Act does not apply to information that does not exist. *See*

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

Ref.: ID# 30285

Enclosures: Submitted documents

cc: Ms. Vicki Edwards
4010 West Spring Branch Drive
Pearland, Texas 77584
(w/o enclosures)

(Footnote continued)

Open Records Decision Nos. 555 (1990), 362 (1983). Nor does the Open Records Act require a governmental body to prepare new information in response to a request. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ diss'd); Open Records Decision No. 561 (1990) at 9. However, we caution that the city must make a good faith effort to relate the request to information in the city's possession. *Id.* at 8.